

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: NATIONAL FOOTBALL
LEAGUE PLAYERS' CONCUSSION
INJURY LITIGATION

Case No. 12-md-2323 (AB)

MDL No. 2323

THIS DOCUMENT RELATES TO:

Second Amended Master Administrative Long-
Form Complaint Against NFL Defendants and
Tiana T. Seau, et al. v. National Football League,
et al., No. 2:13-cv-01532-AB

SHORT FORM COMPLAINT

**IN RE: NATIONAL FOOTBALL
LEAGUE PLAYERS' CONCUSSION
INJURY LITIGATION**

JURY TRIAL DEMANDED

OPT OUT PLAINTIFF SHORT FORM COMPLAINT AGAINST NFL DEFENDANTS

1. Plaintiffs Tiaina T. Seau and Luisa T. Seau, the dependent parents of decedent Tiana B. Seau, Jr. ("Junior Seau") bring this civil action as a related action in the matter entitled IN RE: NATIONAL FOOTBALL LEAGUE PLAYERS' CONCUSSION INJURY LITIGATION, MDL No. 2323.

2. Plaintiffs are filing this short form complaint as required by this Court's Case Management Order filed on July 18, 2017.

3. Plaintiffs opted-out of the Class Action Settlement approved by the Court on May 8, 2015.

4. Plaintiffs incorporate by reference the allegations in whole of the Second Amended Master Administrative Long-Form Complaint Against NFL Defendants, as is fully set forth at length in this Short Form Complaint.

5. ~~Plaintiff is filing this case in a representative capacity as the _____ of _____, having been duly appointed as the _____ by the Court of _____.~~
(Cross out sentence below if not applicable.) Copies of the Letters of Administration/Letters Testamentary for a wrongful death claim are annexed hereto if such Letters are required for the commencement of such a claim by the Probate, Surrogate or other appropriate court of the jurisdiction of the decedent.

6. Plaintiffs are residents and citizens of Oceanside, California and claim damages as set forth below.

7. ~~Plaintiff's Spouse, _____, is a resident and citizen of _____, and claims damages as a result of loss of consortium proximately caused by the harm suffered by her Plaintiff husband.~~

8. Upon information and belief, the decedent Junior Seau sustained repetitive, traumatic subconcussive and/or concussive head impacts during NFL games and/or practices. Upon information and belief, decedent Junior Seau suffered from symptoms of brain injury caused by the repetitive, traumatic sub-concussive and/or concussive head impacts the decedent Junior Seau sustained during NFL games and/or practices. Upon information and belief, the decedent Junior Seau's symptoms arose from injuries that are latent and developed and continued to develop over time.

9. The original complaint by Plaintiffs in this matter was filed in the Superior Court of California for the County of San Diego and was removed to the United States District Court for the Southern District of California. If this case is remanded, it should be remanded to the Superior Court of California for the County of San Diego.

10. Plaintiffs claim damages as a result of [check all that apply]:

- ☐ Injury to Herself/Himself
- ☐ Injury to the Person Represented
- ☒ Wrongful Death
- ☒ Survivorship Action
- ☒ Economic Loss
- ☒ Loss of Services
- ☐ Loss of Consortium

~~11. [Fill in if applicable] As a result of the injuries to Plaintiff, Plaintiff's Spouse suffers from a loss of consortium, including the following injuries:~~

- ~~☐ Loss of marital services~~
- ~~☐ Loss of companionship, affection or society~~
- ~~☐ Loss of support~~
- ~~☐ Monetary losses in the form of unreimbursed costs expended for the health care and personal care of Plaintiff~~

12. [Check if applicable] ☒ Plaintiffs reserve the right to object to federal jurisdiction.

13. Plaintiffs bring this case against the following Defendants in
this action [check all that apply]:

☒ National Football League

☒ NFL Properties, LLC

14. Decedent Junior Seau played in [check if applicable] ☒ the National Football League (“NFL”) and/or in [check if applicable] ☐ the American Football League (“AFL”) during 1990 to 2009 for the following teams: San Diego Chargers (1990 to 2002), Miami Dolphins (2003-2005), and New England Patriots (2006-2009)

15. Decedent Junior Seau retired from playing professional football after the 2009 season.

CAUSES OF ACTION

16. Plaintiffs herein adopt by reference the following Counts of the Second Amended Master Administrative Long-Form Complaint, along with the factual allegations incorporated by reference in those Counts [check all that apply]:

☒ Count I (Declaratory Relief (Against Defendant NFL))

☒ Count II (Negligence (Against Defendant NFL))

☒ Count III (Negligent Marketing (Against all Defendants))

☒ Count IV (Negligence (Against Defendant NFL P))

☒ Count V (Negligent Misrepresentation (Against Defendant NFL))

☒ Count VI (Negligent Hiring (Against Defendant NFL))

☒ Count VII (Negligent Retention/Supervision (Against Defendant NFL))

☒ Count VIII (Fraud (Against all Defendants))

☒ Count IX (Civil Conspiracy (Against all Defendants))

☒ Count X (Fraudulent Concealment (Against all Defendants))

☒ Count XI (Wrongful Death (Against all Defendants))

☒ Count XII (Survival Action (Against all Defendants))

☐ Count XIII (Loss of Consortium (Against all Defendants))

☒ Count XIV (Punitive Damages under All Claims (Against all Defendants))

☐ Count XV (Declaratory Relief: Punitive Damages (Against all Defendants))

17. Plaintiffs assert the following additional causes of action [write in or attach]:

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for judgment as follows:

A. An award of compensatory damages, the amount of which will be determined at trial;

- B. For punitive and exemplary damages as applicable;
- C. For all applicable statutory damages of the state whose laws will govern this action;
- D. For an award of attorneys' fees and costs;
- E. An award of prejudgment interest and costs of suit; and
- F. An award of such other and further relief as the Court deems just and proper.

JURY DEMAND

Pursuant to Federal Rule of Civil Procedure 38, Plaintiffs hereby demand a trial by jury on all issues so triable.

Dated: July 27, 2017

RESPECTFULLY SUBMITTED:

/s/ John H. Gomez

John H. Gomez (CA SBN 171485)
Ahmed S. Diab (CA SBN 262319)
GOMEZ TRIAL ATTORNEYS
655 W Broadway, Suite 1700
San Diego, CA 92101
Tel: (619) 237-3490
Fax: (619) 237-3496

Attorneys for Plaintiffs